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PREPARATORY COMMISSION FOR THE
INTERNATIONAL SEABED AUTHORITY AND FOR THE
INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA
Tenth session
New York, 10-21 August 1992

STATEMENT TO THE PLENARY BY THE CHAIRMAN OF SPECIAL COMMISSION 4 ON THE PROGRESS OF WORK IN THAT COMMISSION

1. At the summer meetings of the tenth session of the Preparatory Commission, the Special Commission had before it the following documents:

(a) LOS/PCN/L.103, Progress Report of the Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea; Part IV dealing with the work of Special Commission 4;

(b) LOS/PCN/SCN.4/WP.11, Issues Concerning the Initial Financing and Budget of the International Tribunal for the Law of the Sea;

(c) LOS/PCN/SCN.4/L.16/Add.1, Building Requirements and Facilities for the International Tribunal for the Law of the Sea; Information from the delegation of Germany concerning the circulation of a brochure with information on the final design with illustrations, drawings and specifications;

(d) LOS/PCN/SCN.4/WP.12, Suggestions of the Latin American and Caribbean Group regarding languages of the Tribunal for the Law of the Sea (LOS/PCN/SCN.4/WP.2/Rev.1; LOS/PCN/SCN.4/WP.8 and Adds.1 and 2); and

(e) LOS/PCN/SCN.4/WP.13, Proposal submitted by Austria, Belgium, Canada, Côte d'Ivoire, Czechoslovakia, France, Greece, India, Poland, Senegal and Switzerland concerning the languages of the International Tribunal for the Law of the Sea (LOS/PCN/SCN.4/WP.2/Rev.1; LOS/PCN/SCN.4/WP.8 and Add.1 and 2).

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2. The Special Commission held a total of six meetings, starting with the 155th meeting at which, on the recommendation of the Bureau, it designated one of its vice-chairmen, Dr. Theodore Chalkiopoulos (Greece) to act as Chairman. The Contact Group of the Group of 77 on Special Commission 4 was allocated some of the meeting time of Special Commission 4 for co-ordination purposes.

3. The Commission took up at its 155th meeting its Agenda and Programme of Work for the current meeting as contained in document LOS/PCN/L.101 of 11 March 1992.

4. On the recommendation of the Bureau the Chairman proposed and the Special Commission approved the changes to the programme of work to the effect that:

(1) the Commission would take up, as the first item of work, item 6 of the agenda in LOS/PCN/L.101 concerning the final Report. It would carry out a preliminary overview of the draft final Report as to the "form and content";

(2) the Special Commission should decide that:

(a) there would be no further deliberations on working papers that have been approved by the Special Commission. These would be annexed to the draft final Report for submission to the Meeting of States Parties as recommendations of the Preparatory Commission;

(b) all pending issues listed in the Progress Report (LOS/PCN/L.103) and possibly the remaining items on the agenda for the session (LOS/PCN/L.101) would be referred to the Meeting of States Parties for solutions. They would be submitted without a recommendation from the Preparatory Commission. A statement as to the status of review of each item by the Preparatory Commission would be attached;

(3) if time permits, the remaining items on the agenda for the session (LOS/PCN/L.101) would be taken up; and

(4) the Secretariat was requested to prepare an outline for a draft final Report to be made available at the end of the first week of the session. This would be taken up for consideration in the second week.

These proposals were approved by the Special Commission subject to the clarification that the preparation of an outline for the draft final Report would not prevent delegations from submitting proposals or working papers on issues of concern to them.

5. At the 157th meeting, the Chairman informed the Special Commission that the draft outline for a final Report had been prepared by the Secretariat but it would not be issued until it was available in all languages. At its 156th to 158th meetings, it took up Issues Concerning the Initial Financing and Budget of the International Tribunal for the Law of the Sea on the basis of the working paper LOS/PCN/SCN.4/WP.11. Further information was requested in relation to the precedent as to initial financing in the case of the United Nations University and as regards the Permanent Court of International Justice of the League of Nations. Attention was drawn to the precedent of a regional judicial institution for the settlement of disputes among Arab States. A view expressed was that courts should not be financed by individual States and in that view the precedent of the United Nations University was inappropriate. The deliberations in the Special Commission will be reflected in the Chairman's summary of discussions to be issued.

6. Consultations were held during the session between interested delegations on the question of languages to be used by the Tribunal. Two working papers were presented: Suggestions of the Latin American and Caribbean Group regarding languages of the Tribunal for the Law of the Sea (LOS/PCN/SCN.4/WP.12); and Proposal submitted by Austria, Belgium, Canada, Côte d'Ivoire, Czechoslovakia, France, Greece, India, Poland, Senegal and Switzerland concerning the languages of the International Tribunal for the Law of the Sea (LOS/PCN/SCN.4/WP.13).

7. On the issue of the building requirements and facilities for the Seat of the International Tribunal for the Law of the Sea and following up on the report presented by the delegation of Germany (document LOS/PCN/SCN.4/L.16) at the tenth session in Kingston as referred to in para. 3 therein, the delegation presented an addendum conveying information that the final design with illustrations, drawings and specifications has now been circulated to all Member States of the United Nations, to the States participating in the Preparatory Commission and to the secretariat of the Commission.

8. The Bureau of the Special Commission recommended that the agenda for the eleventh session in Kingston would comprise a single item: consideration of the draft final Report and its approval, after its examination. At its 159th meeting several

delegations addressed this proposal. Some delegations expressed the need to consider pending items on which no agreement had been reached in the Special Commission, at future meetings, besides considering the draft for the final Report. Another view expressed was that only the draft final Report should be considered and that all pending issues could be dealt with in a different forum. Several compromise proposals were put forward by delegations. The Chairman also made a compromise proposal. Finally the Special Commission accepted the proposal of Saudi Arabia that the agenda would be "to survey and consider the draft final Report including the pending issues", with two delegations expressing reservations.

9. The Acting Chairman expressed his appreciation and gratitude for the positive atmosphere that had prevailed in the conduct of the Commission's work and his thanks to all delegations for the cooperation extended to him. He thanked the members of the Bureau, Mr. Simeon Raya (Philippines), Dr. Nicolas Salom (Colombia) and Mr. Ahmed Yousif Mohamed (Sudan) for the advice and guidance provided during this session. The Acting Chairman extended his and the Commission's gratitude to the Secretary of the Special Commission, Mr. Gritakumar E. Chitty, and to Mrs. Gertrude Blake for the dedication and competence with which they performed their functions. He also thanked Ms Anita Pinto and the other members of the Secretariat who had assisted.